

ORIGINAL



0000178742

RECEIVED  
BEFORE THE ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

COMMISSIONERS

2017 APR -6 P 2:13

Arizona Corporation Commission

DOCKETED

TOM FORESE – Chairman  
BOB BURNS  
DOUG LITTLE  
ANDY TOBIN  
BOYD W. DUNN

APR 6 2017

DOCKETED BY  
*EB*

In the matter of:

DOCKET NO. S-20986A-16-0340

JACOB WOHL, a single man,

MATTHEW JOHNSON, a single man,

WOHL CAPITAL INVESTMENT GROUP, LLC, a  
California limited liability company,

NEX CAPITAL MANAGEMENT, LLC, a Delaware  
limited liability company, and

MONTGOMERY ASSETS, INC., a Wyoming  
corporation,

Respondents.

**PROCEDURAL ORDER**  
**(Affirms Hearing)**

**BY THE COMMISSION:**

On September 27, 2016, the Securities Division (“Division”) of the Arizona Corporation Commission (“Commission”) filed its Temporary Order to Cease and Desist and Notice of Opportunity for Hearing (“Notice”) against Jacob Wohl, a single man, Matthew Johnson, a single man, Wohl Capital Investment Group, LLC, a California limited liability company, NeX Capital Management, LLC, a Delaware limited liability company, and Montgomery Assets, Inc., a Wyoming corporation (collectively “Respondents”), in which the Division alleged violations of A.R.S. §§ 44-1801, *et seq.*, the Arizona Securities Act (“Securities Act”), and A.R.S. §§ 44-3101, *et seq.*, the Investment Management Act (“IM Act”), in connection with the offer and sale of securities in the form of promissory notes, investment contracts and/or loan agreements.

On February 28, 2017, the Division filed its Memorandum and Proposed Order to Cease and Desist, Order for Restitution, and Order for Administrative Penalties (“Proposed Order”).

1 On March 9, 2017, Respondent Wohl sent an email to the Division requesting a hearing.<sup>1</sup>

2 Also on March 9, 2017, the Division filed its Request for Pre-Hearing Conference. The  
3 Division asked that the pre-hearing conference be scheduled to determine whether Respondent Wohl's  
4 request for a hearing should be granted or denied.

5 On March 14, 2017, by Procedural Order, a pre-hearing conference was scheduled to commence  
6 on March 28, 2017.

7 On March 27, 2017, the Division filed an email exchange between the Division and Respondent  
8 Wohl in which Respondent Wohl stated he "will appear at tomorrow's hearing via telephone"  
9 ("Request").

10 Also on March 27, 2017, by Procedural Order, Respondent Wohl's Request was granted.

11 On March 28, 2017, the pre-hearing conference was held as scheduled. The Division appeared  
12 through counsel. Respondent Wohl appeared *pro per* via telephone. Respondent Johnson did not  
13 appear. The Division opposed Respondent Wohl's request for a hearing, and this issue was taken under  
14 advisement. The scheduling of a hearing was discussed in the event the matter proceeds to hearing.  
15 Furthermore, the Division requested that the schedule include a deadline for Respondents to file their  
16 Answers.

17 On March 31, 2017, by Procedural Order, a hearing was scheduled to commence on June 26,  
18 2017.

19 On April 4, 2017, Respondent Johnson sent an email to the Division requesting a hearing.<sup>2</sup>

20 Accordingly, notice of the previously scheduled hearing is provided to Respondent Johnson.

21 IT IS THEREFORE ORDERED that the **hearing** remains scheduled for **June 26, 2017, at**  
22 **10:00 a.m., at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1,**  
23 **Phoenix, Arizona.**

24 IT IS FURTHER ORDERED that **the parties shall also reserve June 27, 28, 29, and 30, 2017,**  
25 **for additional days of hearing,** if necessary.

26 IT IS FURTHER ORDERED that **all parties shall be required to submit all future requests**

27  
28 <sup>1</sup> The email was also filed in this docket on March 9, 2017.

<sup>2</sup> The email was also filed in this docket on April 4, 2017.

1 **for any form of relief, including requests to appear telephonically, in the form of a written motion**  
2 **with the Commission's Docket Control in accordance with the Commission's procedural rules.**  
3 **(See A.A.C. R14-3-101 et seq.)**

4 IT IS FURTHER ORDERED that **Respondents shall file an Answer no later than May 5,**  
5 **2017.<sup>3</sup>**

6 IT IS FURTHER ORDERED that **the Division and Respondents shall exchange copies of**  
7 **their Witness Lists and copies of the Exhibits by May 24, 2017,** with courtesy copies provided to  
8 the presiding Administrative Law Judge.

9 IT IS FURTHER ORDERED that **if the parties reach a resolution of the issues raised in the**  
10 **Notice prior to the hearing, the Division shall file a Motion to Vacate the Proceeding.**

11 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**  
12 **Order Regarding Consent to Email Service** issued in this matter on **March 14, 2017,** for additional  
13 information regarding the process to consent to service by email. Information regarding Consent to  
14 Email Service is also available on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) by clicking on "Email  
15 Service Consent."

16 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
17 Communications) applies to this proceeding as the matter is now set for public hearing, and shall remain  
18 in effect until the Commission's Decision in this matter is final and non-appealable.

19 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
20 31, 38, 39, and 42 and A.R.S. §40-243 with respect to the practice of law and admission *pro hac vice*.

21 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
22 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
23 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at  
24 all hearings, procedural conferences, Open Meetings for which the matter is scheduled for discussion,  
25 unless counsel has previously been granted permission to withdraw by the Administrative Law Judge

26 \_\_\_\_\_  
27 <sup>3</sup> The March 31, 2017, Procedural Order ordered Respondents to file an Answer no later than April 28, 2017. Giving  
28 deference to Respondent Johnson's statement that he only received notice that the Commission would be seeking monetary  
relief on April 3, 2017, it is appropriate to extend this deadline for a week. The parties are advised that, absent good cause,  
the deadline for Respondents to file an Answer will not be extended again.

1 or Commission.

2 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,  
3 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
4 ruling at hearing.

5 DATED this 6 day of April, 2017.

6  
7 

8 BRIAN D. SCHNEIDER  
9 ADMINISTRATIVE LAW JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

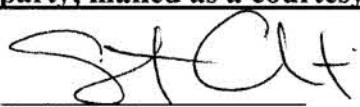
On this 10<sup>th</sup> day of April, 2017, the foregoing document was filed with Docket Control as a Procedural Order – Miscellaneous, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

Jacob Wohl  
1987 Crystal Downs Dr.  
Corona, CA 92883

Matthew Johnson  
8309 Kirkwood Dr.  
Los Angeles, CA 90046  
[matthewkimjohnson@gmail.com](mailto:matthewkimjohnson@gmail.com)

Matthew Neubert, Director  
Securities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007  
[SecDivServicebyEmail@azcc.gov](mailto:SecDivServicebyEmail@azcc.gov)  
**Consented to Service by Email**

COASH & COASH, INC.  
Court Reporting, Video and  
Videoconferencing  
1802 North 7<sup>th</sup> Street  
Phoenix, AZ 85006  
**Not a party, mailed as a courtesy**

By:   
Staci Antrim  
Assistant to Brian D. Schneider